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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,331	07/30/2003	Amy Davidson	04003.00021	8757

7590 06/15/2005  
 Steven Thrasher  
 391 Sandhill Dr.  
 Richardson, TX 75080

EXAMINER

RODRIGUEZ, RUTH C

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/630,331	<b>Applicant(s)</b> DAVIDSON ET AL.	
	<b>Examiner</b> Ruth C. Rodriguez	<b>Art Unit</b> 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2005.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 9-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 12 is objected to because of the following informalities: Claim 12 is objected to because of the following informalities: Claim 12 contains the trademark/ trade name Velcro. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe hook and loop fasteners and, accordingly, the identification/description is indefinite. Correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 9, 11 and 13-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Schneider (US 1,714,732).

A bracelet having at least one interchangeable adornment (20,21,22) comprises a strap (23) couple to a wrist of a person (Fig. 1). A container (20) that is a first interchangeable adornment and has a base (14). The base is removably attached to the strap via a fastening means (25,26). A lid (15) is coupled to the container via a movable member such that the lid seals a hollow interior formed in the base (Figs. 3 and 4). A locking element secures the lid to the base via a securing means (shown in the back of Fig. 4). A second container (21 or 22) is a second interchangeable adornment having a base (14). The base is removably attached to the strap via the fastening means (25,26).

The securing means is a clasp (Fig. 4).

The hollow interior maintains a cosmetic.

The cosmetic is makeup (P. 1, L. 5-8).

The cosmetic is lipstick (P. 1, L. 5-8).

The cosmetic is eye shadow (P. 1, L. 5-8).

The lid comprises a mirror (17).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider in view of de Laforcade (US 6,857,432).

Schneider disclose a bracelet having at least one interchangeable adornment as disclosed above for the rejection of claim 9. Schneider discloses the use of a clasp as the securing means of the lid and the base. Schneider fails to disclose that the securing means can be a magnet or hook and loop fasteners. However, de Laforcade teaches a container that is a first interchangeable adornment (Figs. 1-18) and has a base (104,144). A lid (102,142) is coupled to the container via a movable member such that the lid seals a hollow interior formed in the base (Figs. 1-6B). A locking element secures the lid to the base via a securing means (124,125 or 150,152). de Laforcade also teaches that it is well known in the art at the time the invention was made to use other securing means such as magnets, Velcro, latches, detents or other type of mechanical closure mechanism to secure the lid to the base (C. 3, L. 26-29). Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to have magnets, Velcro, latches, detents or other type of mechanical closure mechanism as the securing means to secure the lid to the base as

taught by de Laforcade in the bracelet disclosed by Schneider. Doing so is well known in the cosmetic art as taught by de Laforcade.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 9-17 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Smythe (US 1,539,781), Schmidt (US 1,566,976), Chaiken (US 1,591,512), Johnson (US 1,607,985), McCarthy et al. (US 1,609,481), Buchsbaum et al. (US 1,623,994), Roberts (US 1,861,644), Lederer (US 2,073,280), Linden (US D 159,495), Thorpe (US D429,383), Thorpe et al. (US D435,939 S), and Wu (US 6,397,633 B1 and US 6,425,506 B1) are cited to show state of the art with respect to jewelry having a container.

Gross (US 1,670,720), Schneider (US 1,714,732), Weaver (US 1,727,001), Gebauer (US D 79,071), Aiello (US 1,823,814), Gebhardt (US 1,982,248), Yunakov (US 6,854,472 B2) and de Laforcade (US 6,857,432 B2) are cited to show state of the art with respect to bracelets having at least one interchangeable adornment with some of the features claimed by the current application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C. Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

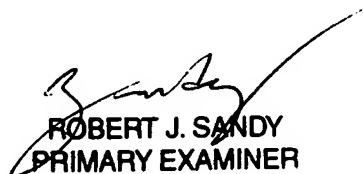
Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez  
Patent Examiner  
Art Unit 3677

RCR  
rcr  
June 11, 2005

  
ROBERT J. SANDY  
PRIMARY EXAMINER